

## **NORFOLK, VIRGINIA**

### **ACTION OF THE COUNCIL**

**TUESDAY, JANUARY 12, 2016 – 7:00 P.M.**

President Fraim called the meeting to order at 7:00 p.m.

Prayer offered by Vice Mayor Angelia Williams Graves, followed by the Pledge of Allegiance.

The following members were present: Mrs. Graves, Mrs. Johnson, Mr. Protogyrou, Mr. Riddick, Mr. Smigiel, Dr. Whibley, Mr. Winn and Mr. Fraim.

President Fraim moved to dispense with the reading of the minutes of the previous meeting.

#### **Motion adopted.**

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

#### **CERTIFICATION OF CLOSED MEETING**

A Resolution entitled, "A Resolution certifying a closed meeting of the Council of the City of Norfolk in accordance with the provisions of the Virginia Freedom of Information Act," was introduced in writing and read by its title.

**ACTION:** The Resolution as introduced was **adopted**, effective January 12, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

## **CEREMONIAL MATTER**

President Fraim recognized James Johnson from Troop 303, St. Matthew's Catholic Church, who was present to earn his Citizenship in the Community Badge from the Boy Scouts.

## **PUBLIC HEARINGS**

PH-1

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on approving a **Lease Agreement** between the City of Norfolk and Tidewater Utility Construction, Inc., for the Lease of certain city owned property located at **1000 Monticello Avenue, 830 Holt Street, and 317 Chapel Street**.

Thereupon, an Ordinance entitled, "An Ordinance approving a **Lease Agreement** between the City of Norfolk and **Tidewater Utility Construction, Inc.**, for the **Lease** of certain city owned property located at **1000 Monticello Avenue, 830 Holt Street, and 317 Chapel Street**," was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective February 12, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

PH-2

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on approving the release of a **Utility and Drainage Easement** over a portion of the former right-of-way of **South Cape Henry Avenue**.

Thereupon, an Ordinance entitled, "An Ordinance approving the release of a Utility and Drainage Easement over a portion of the former right-of-way of South Cape Henry Avenue," was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective February 12, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

## **REGULAR AGENDA**

R-1

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** authorizing the operation of an eating and drinking establishment named **‘Jessy’s Taco Bistro’** on property located at **328 West 20<sup>th</sup> Street,**” was introduced in writing and read by its title.

Tracy Holland, 2200 Colonial Place, applicant, was present to answer questions.

**ACTION:** The Ordinance as introduced was **adopted**, effective January 12, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-2

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** authorizing the operation of an eating and drinking establishment named **‘The Pancake House and Grill’** on property located at **7633 Granby Street,**” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective January 12, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-3

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** authorizing the operation of an entertainment establishment known as **‘Mambo Room Latin Dance Studio’** on property located at **419 West 22<sup>nd</sup> Street,**” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective January 12, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-4

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** authorizing the operation of an entertainment establishment, not yet named, on property located at **428 and 430 West 24<sup>th</sup> Street, Suite A,**” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective January 12, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-5

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** authorizing the operation of an entertainment establishment known as **‘Grace O’ Malley’s Irish Pub and Restaurant’** on property located at **207 Granby Street, Suites 211 and 213,**” was introduced in writing and read by its title.

Rick Henn, 1400 Granby Street, Unit 406, applicant’s representative, was present to answer questions.

**ACTION:** The Ordinance as introduced was **adopted**, effective January 12, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-6

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** authorizing the operation of an entertainment establishment with alcoholic beverages known as **‘Toast’** on property located at **2406 Colonial Avenue, Unit A,**” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective January 12, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-7

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to permit the resumption of a nonconforming use in accordance with the provisions of **Section 12-9** of the **Zoning Ordinance of the City of Norfolk, 1992**, as amended on property located at **517 Warren Crescent and 533 Mill Street,**” was introduced in writing and read by its title.

Peter Johnston, 208 E. Plume Street, applicant, was present to answer questions.

**ACTION:** The Ordinance as introduced was **adopted**, effective January 12, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-8

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** authorizing the operation of an entertainment establishment known as **‘Starving Artist Café’** on property located at **4408 Colley Avenue,**” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective January 12, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-9

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to permit the operation of an **Automobile and Truck Repair** facility named **‘J M & M Automotive’** on property located at **5633 East Virginia Beach Boulevard,**” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective January 12, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-10

Letter from the City Manager and the following two Ordinances:

An Ordinance entitled, “An Ordinance granting a **Special Exception** authorizing the sale of alcoholic beverages for off-premises consumption at an establishment known as ‘**Mermaid Vineyard and Winery**’ on property located at **330 West 22<sup>nd</sup> Street, Suites 104, 105 and 106,**” was introduced in writing and read by its title.

Jennifer Eichert, 305 Brooke Avenue, applicant was present to answer questions.

**ACTION:** The Ordinance as introduced was **adopted**, effective January 12, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-10A

An Ordinance entitled, “An Ordinance granting a **Special Exception** authorizing the operation of an entertainment establishment known as ‘**Mermaid Vineyard and Winery**’ on property located at **330 West 22<sup>nd</sup> Street, Suites 104, 105 and 106,**” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective January 12, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-11

Letter from the City Manager and an Ordinance entitled, “An Ordinance to amend and reordain **Chapter 5, Article II** of the **Norfolk City Code, 1979**, is hereby amended and reordained **SO AS TO** remove the mandatory minimum seating requirements and the prohibition of minors whenever alcoholic beverages are served or sold at public dance halls,” was introduced in writing and read by its title.

**ACTION:** Continued to January 26, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-12

Letter from the City Manager and an Ordinance entitled, “An Ordinance finding a public necessity for the acquisition in fee simple of certain property located at **107 North Shore Road** for the purpose of construction of a new wastewater pump station; approving the acquisition of the property by **Purchase Agreement** or condemnation; and authorizing the expenditure of a sum of up to \$195,000.00 from funds heretofore appropriated for acquisition of the property and all related transactional costs,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective January 12, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None.

R-13

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting a \$32,516 **Commonwealth of Virginia, Department of Environmental Quality Grant for Litter Prevention, Recycling and Environmental Educational Programs** and appropriating and authorizing the expenditure of the grant funds for the programs,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective January 12, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None.

R-14

Letter from the City Manager and an Ordinance entitled, “An Ordinance permitting the **Colonial Place/Riverview Civic League** to encroach into the right of way at the traffic circle at the corner of **Colonial Avenue and Delaware Avenue** with the placement of a mermaid sculpture,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective January 12, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None.

R-15

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting a \$32,600.00 grant award from the **U.S. Department of Homeland Security Federal Emergency Management Agency** through the **Virginia Department of Emergency Management**, appropriating and authorizing the expenditures of the funds for the **FY15 State Homeland Security Program** and authorizing the expenditure for the purchase of hazardous materials team equipment for the **Department of Fire-Rescue**,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective January 12, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-16

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting an additional grant award in the amount of \$137,327.00 from the **Federal Emergency Management Agency** through the **Hazard Mitigation Grant Program** which includes \$27,465.40 from the **Commonwealth of Virginia** and \$6,866.35 as a cash match from the property owners through the **Hazard Mitigation Grant Program** for the City of Norfolk elevation of four (4) residential structures project and appropriating and authorizing the expenditure of the funds for the project,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective January 12, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.



R-17

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting the sum of \$126,522.00 to the **D ‘Art Center**, appropriating the grant funds, authorizing their expenditure, and authorizing the City Manager to enter into a **Grant Agreement** with the **D ‘Art Center**,” was introduced in writing and read by its title.

Carolyn Phillips and Charity Volman, were present on behalf of the D’Art Center.

**ACTION:** The Ordinance as introduced was **adopted**, effective January 12, 2016.

Yes: Graves, Johnson, Riddick, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

### **NEW BUSINESS**

Tracy Hogge, 7600 Azalea Garden Road, commented on the excessive speeding, and accidents on Azalea Garden Road at the curve and the recently replaced guard rail at that spot was shorter the previous one. He stated speeding vehicles that hit the guard rail have nearly ended up in his house. He asked that action be taken to prevent speeding at this location.

Dante Davis, 4525 Turnworth Arch, Virginia Beach, student from Virginia Wesleyan College, suggested that some of the language in Norfolk City Code should changed for the followings Sections: License & Taxation; Motor Vehicle and 2 Sections for Streets & Sidewalks. He submitted copies of the suggested changes.

Alphonso King, 2506 Ruffin Street, stated that the house next door to him that fell onto his house and that asbestos was everywhere and he feared his family might have been exposed to it.

John Smiley, 1709 Banning Road, commented that the Norview Recreation Center’s equipment was outdated and needs repair before someone gets seriously injured.

John W. Hill, 2906 Mapleton Avenue, spoke regarding his injunction against the City Treasurer from 2008 and asked for an audit and review of that Constitutional office and for a recall of the City Treasurer in light of the recent allegations.

Danny Lee Ginn, 3844 Dare Circle, commented on good government.